

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICK MORIN, JOSEPH OLIVIERI,
As Trustees of the Empire State
Carpenters Welfare, Pension,
Vacation, Annuity, Scholarship,
Apprentice-Training, Labor-Management
Cooperation and Charitable Trust
Funds,

Plaintiffs,

ORDER ADOPTING
REPORT AND
RECOMMENDATION

07-CV-5146 (JS)(WDW)

-against-

BUTERA CARPET AND TILE, INC.,

Defendant.

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APPEARANCES:

For Plaintiffs: Marty Gerard Glenno, Esq.
Archer, Byington, Glennon & Levine, LLP
425 Broadhollow Road, Suite 405
Melville, NY 11747-9064

For Defendant: No Appearance

SEYBERT, District Judge:

Plaintiffs commenced this action against Defendant Butera Carpet and Tile, Inc. ("Defendant") on December 11, 2007 to recover delinquent fringe benefits and union dues. On March 11, 2008, the Clerk of the Court certified that Defendant had failed to answer or otherwise respond to the Complaint in this action. On May 30, 2008, this Court entered a default judgment and referred this matter to Magistrate Judge William D. Wall to report and recommend as to whether Plaintiff should be awarded damages.

Pending before the Court is Judge Wall's Report and Recommendation ("R&R"). Pursuant to Rule 72 of the Federal Rule of

Civil Procedure, any objections to the Report were to be filed with the Clerk of the Court within ten days of service of the Report. The time for filing objections has expired and no Party has objected. Accordingly, all objections are hereby deemed to have been waived.

The Court ADOPTS the R&R in its entirety and awards Plaintiff \$118,911.18, which represents \$82,216.45 in unpaid fringe benefit contributions, \$12,756.60 in interest, \$16,443.29 in liquidated damages, \$406.59 in costs, and \$7,088.25 in attorneys' fees. The Clerk of the Court shall mark this matter closed.

SO ORDERED

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
June 16, 2009